

# Report to Pension Fund Committee

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<b>Title:</b>	<b>Appointment of Adjudicators for LGPS Disputes</b>
<b>Date:</b>	13 September 2019
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<b>Local members affected:</b>	N/A

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## Summary

The Council must have an Adjudicator to determine certain disputes under the Local Government Pension Scheme Regulations.

## Recommendation

**The Committee is recommended to:**

- a) Appoint Ms Catherine Herries-Smith of Wycombe District Council as Adjudicator in accordance with Regulation 74 of The Local Government Pension Scheme Regulations 2013, the appointment to take effect 1 October 2019, and**
- b) Confirm the further appointment of Ms Vidhya Jayarajah of Wycombe District Council as a standing substitute when Ms Herries-Smith is unable to consider cases.**

**Supporting information to include the following if a decision is being requested:**

The Council must appoint an Adjudicator to deal with disputes raised under the Local Government Pensions Scheme Regulations 2013 ("the Regulations"). The Adjudicator is currently Ms Jessica Farmer of HB Public Law, however due to the Council's contract for legal services with HB Public Law ending on 30 September 2019, a new adjudicator must be appointed. Ms Herries-Smith is a Principal Solicitor specialising in employment law, and is employed by Wycombe District Council. As the Council will be working in collaboration with the District Councils in the provision of legal services from 1 October 2019, it was deemed

appropriate that the new appointee was selected from District Council colleagues who would be providing employment law services during that period.

Ms Herries-Smith has agreed, subject to the Committee's approval, to assume the role of Adjudicator. Ms Jayarajah has agreed to assume the role of Adjudicator when Ms Herries-Smith is not able to consider cases. Ms Jayarajah is a solicitor specialising in employment law.

The Regulations set out a procedure whereby any member of the Local Government Pension Scheme ("LGPS") can make an application to an Adjudicator to decide a dispute relating to the application of the Regulations. Applications can be initiated by any person whose rights or liabilities under the Pension Scheme are affected by a decision or any other act or omission by a Scheme employer or administering authority.

The dispute resolution procedure requires the appointment of a 'local referee' or Adjudicator to consider the dispute. The Adjudicator must act independently and cannot consider a dispute if he/she has had any involvement in the original decision. The Adjudicator should normally make a determination within 2 months. The second stage of the procedure allows for reconsideration of the dispute by the appropriate administering authority.

The Committee is asked to confirm the proposed appointments with immediate effect.

### **Resource implications**

The costs associated with dealing with disputes will be charged to the Pension Fund.

### **Legal implications**

As set out in the report.

### **Other implications/issues**

None

### **Feedback from consultation, Local Area Forums and Local Member views (if relevant)**

N/A

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### **Background Papers**

Local Government Pension Scheme Regulations 2013

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